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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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16


DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicant's reply to the restriction requirement mailed 11 February 2003 fails to comply with the conditions set forth therein for the reasons stated on the enclosed Interview Summary (Paper No. 16). In summary, the species election was set forth as three groups with group (a) being directed to species of insulating and/or barrier layers, (b) being directed to species of cell adhesion promoters and (c) being directed to species of cell adhesion inhibitors. The restriction requirement states, "Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from each of (a), (b) and (c) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable" (Paper No. 11, page 4). Instead, Applicant elected for examination of group (b), all species therein. Applicant was provided the opportunity to elect species for prosecution in the interview conducted 11 July 2003 but had not responded to the request for an election as of 22 July 2003.

As the response to the original restriction requirement appeared to be a bona fide attempt to comply, Applicant is given 1 month to respond with a proper species election.



**JAMES KETTER
PRIMARY EXAMINER**

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	09/880,138	HICKMAN ET AL.	
	Examiner	Art Unit	
	Daniel M Sullivan	1636	

All Participants:

(1) Daniel M Sullivan.

(2) Nisan Steinberg, Applicant's Representative.

Status of Application: Restricted

(3) _____.

(4) _____.

Date of Interview: 11 July 2003

Time: _____

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

7-11

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:
The Examiner initiated the interview because Applicant had misunderstood the species election set forth in the restriction requirement. The species election was set forth as three groups with group (a) being directed to species of insulating and/or barrier layers, (b) being directed to species of cell adhesion promoters and (c) being directed to species of cell adhesion inhibitors. The restriction requirement states, "Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from each of (a), (b) and (c) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable" (Paper No. 11, page 4). Instead, Applicant elected for examination of group (b), all species therein. During the interview, the Examiner clarified the terms of the species election and requested that a single species from each of groups (a), (b) and (c) be elected for prosecution according to the instructions set forth in the restriction requirement. Applicant's representative said that he would comply with the species election after consultation with the Inventors..